

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**ROBERTO PEREZ,  
TDCJ #01189927,**

*Plaintiff,*

v.

**BRAD LIVINGSTON, *et al.*,  
Defendants.**

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**CIVIL ACTION NO. 4:16-cv-0306**

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**DEFENDANTS RAMADAN, TAYLOR, MCCLELLAN, PITTCOCK’S  
UNOPPOSED MOTION FOR CONTINUANCE**

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Defendants Arij Ramadan, Amber Taylor, James McClellan, and Jim Pittcock (collectively, “Defendants”), file this Unopposed Motion for Continuance of the Trial Date of March 31, 2025. In support Defendants respectfully show the following:

**I. STATEMENT OF THE CASE**

Plaintiff, originally proceeding pro se and in forma pauperis, is in an inmate of the Texas Department of Criminal Justice (“TDCJ”) and is currently housed at the Wynne Unit. Plaintiff brought this suit pursuant to 42 U.S.C. § 1983 against Defendants in their individual capacity, claiming violation of his Eighth Amendment rights. Specifically, that Defendants used excessive force against Plaintiff on June 30, 2015. Pretrial documents have been submitted (ECF Nos. 136-49) and jury selection is set to commence on March 31, 2025. ECF No. 133.

**II. MOTION FOR CONTINUANCE**

In preparation for trial, undersigned counsel learned that Defendant Pittcock suffered an aortic aneurysm and was hospitalized on February 14, 2025. Today, undersigned met with Defendant Pittcock in person to assess his ability to sit for trial. Defendant Pittcock is currently prescribed powerful opioid pain medications, and has been medically advised that he is unable to sit, stand, or lift items for at least the next six weeks. At that time, doctors will decide if he is able to begin physical

therapy. After the meeting, undersigned called Plaintiff's counsel and both parties agreed that a continuance of the trial date would be necessary as Defendant Pittcock is unable to meaningfully assist his counsel in preparing for trial or at trial itself.

As such undersigned counsel respectfully requests a continuance of sixty (60) days. Undersigned counsel does not request this continuance for delay. Plaintiff's counsel is unopposed to the continuance, and therefore there is no such prejudice in granting the request.

### **III. PRAYER**

The Defendants request this Honorable Court grant this Unopposed Motion for Continuance for Trial for the reasons stated herein and briefly continue the trial date for approximately sixty (60) days for Defendant Pittcock to recover from his medical emergency and be able to testify.

Respectfully submitted,

**KEN PAXTON**

Attorney General of Texas

**BRENT WEBSTER**

First Assistant Attorney General

**RALPH MOLINA**

Deputy First Assistant Attorney General

**AUSTIN KINGHORN**

Deputy Attorney General for Civil Litigation

**SHANNA E. MOLINARE**

Assistant Attorney General

Chief-Law Enforcement Defense Division

/s/ Matthew DeMarco

**MATTHEW DEMARCO**

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**ATTORNEYS FOR DEFENDANTS  
RAMADAN, TAYLOR, MCCLELLAN, AND  
PITTCOCK**

**CERTIFICATE OF CONFERENCE**

I, **MATTHEW DEMARCO**, Assistant Attorney General of Texas, do hereby certify that the parties conferred via phone on this date, March 18, 2025.

/s/ Matthew DeMarco  
**MATTHEW DEMARCO**  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I, **MATTHEW DEMARCO**, Assistant Attorney General of Texas, certify that a true and correct copy of the above and foregoing has been served on all counsel of record via the Electronic Case Files System of the Southern District of Texas, on this day, March 18, 2025.

/s/ Matthew DeMarco  
**MATTHEW DEMARCO**  
Assistant Attorney General